

I. PLAINTIFF(S)

BORIS BENKOVSKI, Derivatively on Behalf of Nominal Defendant EQUINIX, INC.,

County of Residence of First Listed Plaintiff:

Horry County, South Carolina

Leave blank in cases where United States is plaintiff.

Attorney or Pro Se Litigant Information (Firm Name, Address, and Telephone Number)

BETSY C. MANIFOLD (182450); manifold@whafh.com

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WOLF HALDENSTEIN ADLER

FREEMAN & HERZ LLP

750 B Street, Suite 1820, San Diego, CA 92101

T: (619) 239-4599; F: (619) 234-4599

DEFENDANT(S)

CHARLES J. MEYERS, ADAIRE FOX-MARTIN, Nanci Caldwell, Gary Hromadko, Thomas Olinger, Christopher Paisley, Jeetu Patel, Sandra Rivera, Fidelma Russo, Peter Van Camp, and Keith D. Taylor, Defendants, and Equinix, Inc., Nominal Defendant.

County of Residence of First Listed Defendant:

Use ONLY in cases where United States is plaintiff.

Defendant's Attorney's Name and Contact Information (if known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ U.S. Government Plaintiff

☒ Federal Question (U.S. Government Not a Party)

☐ U.S. Government Defendant

☐ Diversity

III. CAUSE OF ACTION

Cite the U.S. Statute under which you are filing: (Use jurisdictional statutes only for diversity)

Violations of Section 14(a) of the Exchange Act (15 U.S.C. § 78n(a) and SEC Rule 14a-9 (17 C.F.R. § 240.14a-9))

Brief description of case:

The individual defendants made material misstatements and omissions, inflating Equinix's financial reports to be materially misleading.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<div><input type="checkbox"/> 110 Insurance</div> <div><input type="checkbox"/> 120 Marine</div> <div><input type="checkbox"/> 130 Miller Act</div> <div><input type="checkbox"/> 140 Negotiable Instrument</div> <div><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</div> <div><input type="checkbox"/> 151 Medicare Act</div> <div><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)</div> <div><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</div> <div><input checked="" type="checkbox"/> 160 Stockholders' Suits</div> <div><input type="checkbox"/> 190 Other Contract</div> <div><input type="checkbox"/> 195 Contract Product Liability</div> <div><input type="checkbox"/> 196 Franchise</div>	<div>PERSONAL INJURY</div> <div><input type="checkbox"/> 310 Airplane</div> <div><input type="checkbox"/> 315 Airplane Product Liability</div> <div><input type="checkbox"/> 320 Assault, Libel & Slander</div> <div><input type="checkbox"/> 330 Federal Employers' Liability</div> <div><input type="checkbox"/> 340 Marine</div> <div><input type="checkbox"/> 345 Marine Product Liability</div> <div><input type="checkbox"/> 350 Motor Vehicle</div> <div><input type="checkbox"/> 355 Motor Vehicle Product Liability</div> <div><input type="checkbox"/> 360 Other Personal Injury</div> <div><input type="checkbox"/> 362 Personal Injury -Medical Malpractice</div>	<div>PERSONAL INJURY</div> <div><input type="checkbox"/> 365 Personal Injury – Product Liability</div> <div><input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability</div> <div><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</div> <div>PERSONAL PROPERTY</div> <div><input type="checkbox"/> 370 Other Fraud</div> <div><input type="checkbox"/> 371 Truth in Lending</div> <div><input type="checkbox"/> 380 Other Personal Property Damage</div> <div><input type="checkbox"/> 385 Property Damage Product Liability</div>	<div><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC § 881</div> <div><input type="checkbox"/> 690 Other</div> <div>LABOR</div> <div><input type="checkbox"/> 710 Fair Labor Standards Act</div> <div><input type="checkbox"/> 720 Labor/Management Relations</div> <div><input type="checkbox"/> 740 Railway Labor Act</div> <div><input type="checkbox"/> 751 Family and Medical Leave Act</div> <div><input type="checkbox"/> 790 Other Labor Litigation</div> <div><input type="checkbox"/> 791 Employee Retirement Income Security Act</div> <div>IMMIGRATION</div> <div><input type="checkbox"/> 462 Naturalization Application</div> <div><input type="checkbox"/> 465 Other Immigration Actions</div>	<div><input type="checkbox"/> 422 Appeal 28 USC § 158</div> <div><input type="checkbox"/> 423 Withdrawal 28 USC § 157</div> <div>PROPERTY RIGHTS</div> <div><input type="checkbox"/> 820 Copyrights</div> <div><input type="checkbox"/> 830 Patent</div> <div><input type="checkbox"/> 835 Patent—Abbreviated New Drug Application</div> <div><input type="checkbox"/> 840 Trademark</div> <div><input type="checkbox"/> 880 Defend Trade Secrets Act of 2016</div> <div>SOCIAL SECURITY</div> <div><input type="checkbox"/> 861 HIA (1395ff)</div> <div><input type="checkbox"/> 862 Black Lung (923)</div> <div><input type="checkbox"/> 863 DIWC/DIWW (405(g))</div> <div><input type="checkbox"/> 864 SSID Title XVI</div> <div><input type="checkbox"/> 865 RSI (405(g))</div> <div>FEDERAL TAX SUITS</div> <div><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</div> <div><input type="checkbox"/> 871 IRS—Third Party 26 U.S.C. § 7609</div>	<div><input type="checkbox"/> 375 False Claims Act</div> <div><input type="checkbox"/> 376 Qui Tam (31 USC § 3729(a))</div> <div><input type="checkbox"/> 400 State Reapportionment</div> <div><input type="checkbox"/> 410 Antitrust</div> <div><input type="checkbox"/> 430 Banks and Banking</div> <div><input type="checkbox"/> 450 Commerce</div> <div><input type="checkbox"/> 460 Deportation</div> <div><input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations</div> <div><input type="checkbox"/> 480 Consumer Credit</div> <div><input type="checkbox"/> 485 Telephone Consumer Protection Act</div> <div><input type="checkbox"/> 490 Cable/Sat TV</div> <div><input type="checkbox"/> 850 Securities/Commodities/Exchange</div> <div><input type="checkbox"/> 890 Other Statutory Actions</div> <div><input type="checkbox"/> 891 Agricultural Acts</div> <div><input type="checkbox"/> 893 Environmental Matters</div> <div><input type="checkbox"/> 895 Freedom of Information Act</div> <div><input type="checkbox"/> 896 Arbitration</div> <div><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</div> <div><input type="checkbox"/> 950 Constitutionality of State Statutes</div>
REAL PROPERTY					
<div><input type="checkbox"/> 210 Land Condemnation</div> <div><input type="checkbox"/> 220 Foreclosure</div> <div><input type="checkbox"/> 230 Rent Lease & Ejectment</div> <div><input type="checkbox"/> 240 Torts to Land</div> <div><input type="checkbox"/> 245 Tort Product Liability</div> <div><input type="checkbox"/> 290 All Other Real Property</div>	<div>CIVIL RIGHTS</div> <div><input type="checkbox"/> 440 Other Civil Rights</div> <div><input type="checkbox"/> 441 Voting</div> <div><input type="checkbox"/> 442 Employment</div> <div><input type="checkbox"/> 443 Housing/ Accommodations</div> <div><input type="checkbox"/> 445 Amer. w/Disabilities– Employment</div> <div><input type="checkbox"/> 446 Amer. w/Disabilities–Other</div> <div><input type="checkbox"/> 448 Education</div>	<div>PRISONER PETITIONS</div> <div>HABEAS CORPUS</div> <div><input type="checkbox"/> 463 Alien Detainee</div> <div><input type="checkbox"/> 510 Motions to Vacate Sentence</div> <div><input type="checkbox"/> 530 General</div> <div><input type="checkbox"/> 535 Death Penalty</div> <div>OTHER</div> <div><input type="checkbox"/> 540 Mandamus & Other</div> <div><input type="checkbox"/> 550 Civil Rights</div> <div><input type="checkbox"/> 555 Prison Condition</div> <div><input type="checkbox"/> 560 Civil Detainee– Conditions of Confinement</div>			

V. ORIGIN (Place an "X" in One Box Only)

☒ Original Proceeding

☐ Removed from State Court

☐ Remanded from Appellate Court

☐ Reinstated or Reopened

☐ Transferred from Another District

☐ Multidistrict Litigation–Transfer

☐ Multidistrict Litigation–Direct File

VI. FOR DIVERSITY CASES ONLY: CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Plaintiff

Defendant

☐ Citizen of California

☐ Citizen of Another State

☐ Citizen or Subject of a Foreign Country

☐ Incorporated or Principal Place of Business In California

☐ Incorporated and Principal Place of Business In Another State

☐ Foreign Nation

VII. REQUESTED IN COMPLAINT

☒ Check if the complaint contains a **jury demand**.

☐ Check if the complaint contains a **monetary demand**. Amount:

☐ Check if the complaint seeks **class action** status under Fed. R. Civ. P. 23.

☐ Check if the complaint seeks a **nationwide injunction** or Administrative Procedure Act vacatur.

VIII. RELATED CASE(S) OR MDL CASE

Provide case name(s), number(s), and presiding judge(s).

Chan v. Equinix, Inc., et al., Case No. 3:24-cv-02656-VC (N.D. Cal.) (Hon. Vince Chhabria)

IX. DIVISIONAL ASSIGNMENT pursuant to Civil Local Rule 3-2 (Place an "X" in One Box Only)

☒ SAN FRANCISCO/OAKLAND

☐ SAN JOSE

☐ EUREKA-MCKINLEYVILLE

DATE

02/14/2025

SIGNATURE OF ATTORNEY OR PRO SE LITIGANT

/s/ Alex J. Tramontano

COMPLETING THE CIVIL COVER SHEET

Complete the form as follows:

- I. Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.
- Attorney/Pro Se Litigant Information.** Enter the firm name, address, telephone number, and email for attorney of record or pro se litigant. If there are several individuals, list them on an attachment.
- II. Jurisdiction.** Under Federal Rule of Civil Procedure 8(a), pleadings must establish the basis of jurisdiction. If multiple bases for jurisdiction apply, prioritize them in the order listed:
- (1) *United States plaintiff.* Jurisdiction based on 28 U.S.C. §§ 1345 and 1348 for suits filed by the United States, its agencies or officers.
 - (2) *United States defendant.* Applies when the United States, its agencies, or officers are defendants.
 - (3) *Federal question.* Select this option when jurisdiction is based on 28 U.S.C. § 1331 for cases involving the U.S. Constitution, its amendments, federal laws, or treaties (but use choices 1 or 2 if the United States is a party).
 - (4) *Diversity of citizenship.* Select this option when jurisdiction is based on 28 U.S.C. § 1332 for cases between citizens of different states and complete Section VI to specify the parties’ citizenship. Note: Federal question jurisdiction takes precedence over diversity jurisdiction.
- III. Cause of Action.** Enter the statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless jurisdiction is based on diversity. Example: U.S. Civil Statute: 47 U.S.C. § 553. Brief Description: Unauthorized reception of cable service.
- IV. Nature of Suit.** Check one of the boxes. If the case fits more than one nature of suit, select the most definitive or predominant.
- V. Origin.** Check one of the boxes:
- (1) *Original Proceedings.* Cases originating in the United States district courts.
 - (2) *Removed from State Court.* Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C. § 1441. When the petition for removal is granted, check this box.
 - (3) *Remanded from Appellate Court.* Check this box for cases remanded to the district court for further action, using the date of remand as the filing date.
 - (4) *Reinstated or Reopened.* Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) *Transferred from Another District.* Check this box for cases transferred under Title 28 U.S.C. § 1404(a). Do not use this for within-district transfers or multidistrict litigation (MDL) transfers.
 - (6) *Multidistrict Litigation Transfer.* Check this box when a multidistrict (MDL) case is transferred into the district under authority of Title 28 U.S.C. § 1407.
 - (7) *Multidistrict Litigation Direct File.* Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket.
- VI. Residence (citizenship) of Principal Parties.** Mark for each principal party *only* if jurisdiction is based on diversity of citizenship.
- VII. Requested in Complaint.**
- (1) *Jury demand.* Check this box if plaintiff’s complaint demanded a jury trial.
 - (2) *Monetary demand.* For cases demanding monetary relief, check this box and enter the actual dollar amount being demanded.
 - (3) *Class action.* Check this box if plaintiff is filing a class action under Federal Rule of Civil Procedure 23.
 - (4) *Nationwide injunction.* Check this box if plaintiff is seeking a nationwide injunction or nationwide vacatur pursuant to the Administrative Procedures Act.
- VIII. Related Cases.** If there are related pending case(s), provide the case name(s) and number(s) and the name(s) of the presiding judge(s). If a short-form MDL complaint is being filed, furnish the MDL case name and number.
- IX. Divisional Assignment.** Identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.” Note that case assignment is made without regard for division in the following case types: Property Rights (Patent, Trademark and Copyright), Prisoner Petitions, Securities Class Actions, Anti-Trust, Bankruptcy, Social Security, and Tax.